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EXAMINER

NELSON, FREDA ANN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/716,114	Applicant(s) HARNIMAN ET AL.	
	Examiner FREDA A. NELSON	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-12 and 14-200 is/are pending in the application.
- 4a) Of the above claim(s) 15-72, 81-132, 141-194, and 200, is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12,14,73-80,133-140 and 195 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on February 20, 2009 is acknowledged and entered. Claims 1, 73, 133, and 195 have been amended. Claims 8 and 13 have been canceled. Claims 15-72, 81-132, and 141-194 have been withdrawn. Claim 200 has been added. Claims 1-7, 9-12, and 14-200 are currently pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 20, 2009 has been entered.

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, 9-12, 14, 73-80, 133-140, and 195-199 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

2. Newly submitted claim 200 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 200 appears to be directed to an independent or distinct invention because claim 200 has separate utility when compared to claims 1-7, 9-12, 14,

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73-80, 133-140, and 195-199 (Group I) such as transmitting a conditional purchase offer to acquire a first product or service, said conditional purchase offer including a customer-specified price; receiving a seller acceptance of said conditional purchase offer for said first product or service and subsequently receiving a bounce back offer associated with the first product or service to acquire a second product or service as part of an independent bounce back transaction with a hyperlink to a cobranded web site; and accessing said cobranded web site to effectuate said bounce back transaction with a supplier-partner for said second product or service.

The invention in Group I does not include the process of: transmitting a conditional purchase offer to acquire an airline ticket associated with a principal seller, said conditional purchase offer including a customer-specified price and at least one travel destination area; receiving a principal seller acceptance of said conditional purchase offer; receiving a bounce back offer for a rental car service associated with a supplier-partner that is different from the principal seller: wherein the bounce back offer is only made available after the principal seller acceptance of said conditional purchase offer and is generated subsequent to the principal seller acceptance of said conditional purchase offer, wherein the bounce back offer is configured as an e-mail containing flight confirmation and itinerary information associated with the airline ticket and a hyperlink to a cobranded website combining information from the supplier-partner and information from the principal seller, wherein the bounce back offer is selected based on availability of the rental car service in the at least one travel destination

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area, and wherein the supplier-partner is selected from a plurality of candidate supplier-partners by having a highest score on a selection formula that is based at least on a supplier-partner market share and on a supplier-partner bounce back offer acceptance history.

The invention of Group I simply transmits a conditional purchase offer to acquire a first product or service, said conditional purchase offer including a customer-specified price without the use of transmitting a conditional purchase offer to acquire an airline ticket associated with a principal seller, said conditional purchase offer including a customer-specified price and at least one travel destination area, a rental car service, an e-mail containing flight confirmation and itinerary information associated with the airline ticket and a hyperlink to a cobranded website; and the bounce back offer being based on availability of the rental car service in the at least one travel destination area. For these reasons, the invention of Group II could properly be considered to be patentably distinct.

Because these inventions would be considered independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated would be proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 200 is withdrawn

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from consideration as being directed to a non-elected invention. See 37 CFR

1.142(b) and MPEP § 821.03.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.** (emphasis added). In this case, the Abstract begins with "A conditional purchase offer (CPO) management system, including bounce back capability, *is disclosed for...*" Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim **11** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As per claim 11, the Examiner is unable to determine if it is the customer or seller who is accepting or rejecting said offer or making a counter offer in said cobranded website.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1, 5, 9-11, 73, 77, 80, 133, 137, 140, 195 and 199** are rejected under 35 U.S.C. 102(e) as being anticipated by Forward (US Patent Number 6,578,011).

As per claim 1, Forward discloses a method for using a computer to facilitate an on-line bounce back transaction, comprising:

transmitting a conditional offer to acquire a first product or service, said conditional purchase offer including a customer-specified price (col. 2, lines 9-33; col. 4, lines 20-40);

receiving a seller acceptance of said conditional purchase offer for said first product or service and subsequently and a bounce back offer associated with the first product or service to acquire a second product or service as part of

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an independent bounce back transaction with a hyperlink to a cobranded web site (col. 2, lines 11-17; col. 2, lines 52-67; col. 4, line 50 –col. 5, line 3; FIG. 4);

accessing said cobranded web site to effectuate said bounce back transaction with a supplier-partner for said second product or service (col. 6, lines 42-48; col. 6, lines 53-62; FIG. 4).

As per claim 5, Forward discloses the method of claim 1, wherein said bounce back offer is received via a jump page containing said hyperlink to cobranded web site (col. 4, lines 53-67; FIG. 4).

As per claim 9, Forward discloses the method of claim 1, further comprising making an offer to acquire a second product or service in said cobranded website (col. 2, lines 11-17; col. 2, lines 52-67; col. 4, line 50 –col. 5, line 3).

As per claim 10, Forward discloses the method of claim 1, further comprising receiving an offer to acquire said second product or service in said cobranded website (col. 6, lines 4-11; col. 4, lines 42-62; FIG. 4).

As per claim 11, Forward discloses the method of claim 10, further comprising either accepting or rejecting said offer or making a counter offer in said cobranded website (col. 5, lines 51-67).

As per claim 73, Forward discloses a computer device for facilitating an on-line bounce back transaction, comprising:

a storage device and a processor connected to the storage device, the storage device storing at least one group membership identification and a program for controlling the processor, the processor operative with the program (col. 5, lines 61-67; FIG. 2) to,

transmit a conditional offer to acquire a first product or service, said conditional purchase offer including a customer-specified price (col. 2, lines 9-33; col. 4, lines 20-40);

receive a seller acceptance of said conditional purchase offer for said first product or service and subsequently receive a bounce back offer associated with the first product or service to acquire a second product or service as part of an independent bounce back transaction with a hyperlink to a cobranded web site (col. 2, lines 11-17; col. 2, lines 52-67; col. 4, line 50 –col. 5, line 3); and

access said cobranded web site to effectuate said bounce back transaction with a supplier-partner for said second product or service (col. 6, lines 42-28; col. 6, lines 53-62; FIG. 4).

As per claim 77, Forward discloses the computer device of claim 73, wherein the processor is further operative with the program to receive said bounce back offer via a jump page containing said hyperlink to said cobranded web site (col. 4, lines 53-67; FIG. 4).

As per claims 80, Forward the computer device of claim 73, wherein the processor is further operative with the program to receive, accept or reject an offer or a counteroffer to said second to said second product or service (col. 5, lines 51-67).

As per claim 133, Forward discloses a computer readable medium for facilitating an on-line bounce back transaction, comprising:

code executable by a processor for transmitting a conditional offer to acquire a first product or service, said conditional purchase offer including a customer-specified price (col. 2, lines 9-33; col. 4, lines 20-40);

code executable by a processor for receiving a seller acceptance of said conditional purchase offer and a bounce back offer to acquire a second product or service as part of an independent bounce back transaction with a hyperlink to a cobranded web site (col. 4, lines 35-40; col. 2, line 30-61);

code executable by a processor for accessing said cobranded web site to effectuate said bounce back transaction with a supplier-partner for said second product or service (col. 6, lines 42-48; col. 6, lines 53-62; FIG. 4).

As per claim 137, Forward discloses the computer readable medium of claim 133, further comprising code executable by the processor for receiving said bounce back offer via a jump page containing said hyperlink to said cobranded web site (col. 4, lines 53-67; FIG. 4).

As per claim 140, Forward discloses the computer readable medium of claim 133, further executable by said processor for receiving, accepting or rejecting an offer or a counteroffer for said second product or service (col. 5, lines 51-67).

As per claim 195, Forward discloses a processor-implemented method for facilitating an independent on-line bounce back transaction spawned from initial transaction, comprising:

transmitting a conditional offer to acquire a first product or service, said conditional purchase offer including a customer-specified price (col. 2, lines 9-33; col. 4, lines 20-40);

receiving a seller acceptance of said conditional purchase offer for said first product or service and subsequently receiving a bounce back offer associated with the first product or service, wherein the bounce back offer is configured to initiate a subsequent transaction to acquire a second product or service as part of an independent bounce back transaction with a hyperlink to a cobranded web site (col. 2, lines 11-17; col. 2, lines 52-67; col. 4, line 50 –col. 5, line 3; FIG. 4);

accessing said cobranded web site to effectuate said bounce back transaction with a supplier-partner for said second product or service (col. 6, lines 42-48; col. 6, lines 53-62; FIG. 4).

As per claim 199, Forward discloses the method of claim 195, wherein the bounce back offer is generated based on the acceptance of said conditional purchase offer (col. 4, lines 35-40; col. 2, line 30-61; (col. 8, lines 16-23; col. 9, line 46 – col. 10, line 32; col. 14, lines 5-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **2-3, 74-75, 134-135, 196, and 198** are rejected under 35 U.S.C. 103(a) as being unpatentable over Forward (US Patent Number 6,578,011) as applied to claims 1, 73, 133, and 195 above, and further in view of Official Notice.

As per claim 2, Forward discloses the method of claim 1, but is not limited by type of product or service, but does not specifically disclose the second product or service is an automobile rental, hotel reservation or airline ticket.

Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Forward for the benefit of maximizing sales of products or services.

As per claims 3, Forward discloses the method of claim 1, but is not limited by type of product or service, but does not specifically disclose the first product or service is a hotel reservation or airline ticket.

Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services.

As per claim 74, Forward discloses the computer device of claim 73, but is not limited by type of product or service, but does not specifically disclose the second product or service is an automobile rental, hotel reservation or airline ticket.

However, Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services

As per claim 75, Forward discloses the computer device of claim 73, but is not limited by type of product or service, but does not specifically disclose the first product or service is a hotel reservation or airline ticket.

Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services.

As per claim 134, Forward discloses the computer readable medium of claim 133, but is not limited by type of product or service, but does not specifically disclose the second product or service is an automobile rental, hotel reservation or airline ticket.

However, Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services

As per claim 135, Forward discloses the computer readable medium of claim 133, but is not limited by type of product or service, but does not specifically disclose the first product or service is a hotel reservation or airline ticket.

Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services.

As per claim 196, Forward discloses the processor-implemented method of claim 195, but is not limited by type of product or service, but does not specifically disclose the second product or service is an automobile rental, hotel reservation or airline ticket.

However, Official Notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see

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assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Forward for the benefit of maximizing sales of products or services

As per claim 198, Forward in view of Official Notice discloses the method of claim 196, wherein said bounce back offer for the subsequent transaction is received via a jump page containing said hyperlink to said cobranded web site (col. 4, lines 53-67; FIG. 4).

6. Claims **4, 6-7, 76, 78-79, 136**, and **138-139** are rejected under 35 U.S.C. 103(a) as being unpatentable over Forward (US Patent Number 6,578,011) as applied to claims 1, 73, and 133 above, and further in view of Microsoft Office 2000 Professional Edition (hereinafter referred to as "Microsoft Office 2000").

As per claim 4, Forward discloses the method of claim 1 as described above. Forward further discloses in the case of a new house builder, the information may include the name of the builder, the builder's address, a telephone number, an electronic-mail address, a link to the web-site for the builder, directions to the builder's offices, directions to the location and any other information that may be used to contact the builder (col. 4, lines 51-56); and upon locating the item information 28 desired and corresponding incentive information 29, in step 206, the potential buyer contacts the seller using the information

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provided in the item information 28, wherein that contact may be via telephone, electronic mail, person-to-person or any other method of communication (col. 5, lines 41-46).

Forward does not specifically disclose the use of email containing a hyperlink to a cobranded web site.

Microsoft Office 2000 teaches on pages 450-451, embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claim 6, Forward discloses the method of claim 1 as described above, but Forward does not specifically disclose a checkbox to defer the offer until a subsequent time.

However, Microsoft Office 2000 teaches, pages 471 and 480, a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

As per claim 7, Forward does not specifically disclose receiving an email alert containing said hyperlink to access said cobranded website at said subsequent time.

However, Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claim 76, Forward discloses the computer device of claim 73 as described above. Forward further discloses in the case of a new house builder, the information may include the name of the builder, the builder's address, a telephone number, an electronic-mail address, a link to the web-site for the builder, directions to the builder's offices, directions to the location and any other information that may be used to contact the builder (col. 4, lines 51-56); and upon locating the item information 28 desired and corresponding incentive information 29, in step 206, the potential buyer contacts the seller using the information provided in the item information 28, wherein that contact may be via telephone, electronic mail, person-to-person or any other method of communication (col. 5, lines 41-46).

Forward discloses the computer device of claim 73, but does not specifically disclose the use of email containing a hyperlink to a cobranded web site.

Microsoft Office 2000 teaches on pages 450-451, embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claim 78, Forward disclose the computer device of claim 73, but Forward does not specifically disclose a checkbox to defer the offer until a subsequent time.

However, Microsoft Office 2000 teaches, pages 471 and 480, a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

As per claim 79, Forward discloses in the case of a new house builder, the information may include the name of the builder, the builder's address, a telephone number, an electronic-mail address, a link to the web-site for the builder, directions to the builder's offices, directions to the location and any other information that may be used to contact the builder (col. 4, lines 51-56); and upon locating the item information 28 desired and corresponding incentive information 29, in step 206, the potential buyer contacts the seller using the information provided in the item information 28, wherein that contact may be via telephone, electronic mail, person-to-person or any other method of communication (col. 5, lines 41-46).

Forward does not specifically disclose receiving an e-mail alert containing said hyperlink to access said cobranded web site at said subsequent time.

However, Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claim 136, Forward discloses the computer readable medium as described in claim 133 above. Forward further discloses in the case of a new house builder, the information may include the name of the builder, the builder's

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address, a telephone number, an electronic-mail address, a link to the web-site for the builder, directions to the builder's offices, directions to the location and any other information that may be used to contact the builder (col. 4, lines 51-56); and upon locating the item information 28 desired and corresponding incentive information 29, in step 206, the potential buyer contacts the seller using the information provided in the item information 28, wherein that contact may be via telephone, electronic mail, person-to-person or any other method of communication (col. 5, lines 41-46).

Forward does not specifically disclose the use of email containing a hyperlink to a cobranded web site.

Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claim 138, Forward does not specifically disclose a checkbox to defer the offer until a subsequent time.

However, Microsoft Office 2000 teaches, pages 471 and 480, a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

As per claim 139, Forward discloses in the case of a new house builder, the information may include the name of the builder, the builder's address, a telephone number, an electronic-mail address, a link to the web-site for the builder, directions to the builder's offices, directions to the location and any other information that may be used to contact the builder (col. 4, lines 51-56); and upon locating the item information 28 desired and corresponding incentive information 29, in step 206, the potential buyer contacts the seller using the information provided in the item information 28, wherein that contact may be via telephone, electronic mail, person-to-person or any other method of communication (col. 5, lines 41-46).

Forward does not specifically disclose receiving an email alert containing said hyperlink to access said cobranded web site at said subsequent time.

However, Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

7. Claim **12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Forward (US Patent Number 6,578,011).

As per claim 12, While Forward discloses *if a purchase is completed between the buyer and the seller*, then the buyer returns to the web-site to collect the promised reward. The reward is provided upon verification that a purchase took place between the buyer and the seller (col. 2, lines 55-60), Forward does not explicitly comprising choosing not to make an offer or accept an offer to acquire said second product or service in said cobranded website.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is also possible to not complete a purchase between the buyer and seller, thus forfeiting the bounce back option. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Forward to include the option of not making an offer or accepting an offer for the purpose of not contracting for unwanted products or services.

8. Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Forward (US Patent Number 6,578,011) as applied to claim 1 above, and further in view of Logan et al. (US Patent Number 6,199,076).

As per claim 14, Forward discloses the method of claim 1 as described above, but does not expressly disclose inquiring as to said second product or

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service and receiving through an interactive voice mail feature a referral to said supplier-partner.

However, Logan et al ('076) teaches the equivalence of voicemail or email files, see column 3, lines 42-56 and column 6-45 for the benefit of convenience to the user.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use email or voicemail as is most convenient to the user.

9. Claim **197** is rejected under 35 U.S.C. 103(a) as being unpatentable over Forward (US Patent Number 6,578,011), in view of Official Notice as applied to claim 196 above, and further in view of Microsoft Office 2000 Professional Edition (hereinafter referred to as "Microsoft Office 2000").

As per claim 197, Forward discloses in the case of a new house builder, the information may include the name of the builder, the builder's address, a telephone number, an electronic-mail address, a link to the web-site for the builder, directions to the builder's offices, directions to the location and any other information that may be used to contact the builder (col. 4, lines 51-56); and upon locating the item information 28 desired and corresponding incentive information 29, in step 206, the potential buyer contacts the seller using the information provided in the item information 28, wherein that contact may be via telephone, electronic mail, person-to-person or any other method of communication (col. 5, lines 41-46).

Forward does not specifically disclose the use of email containing a hyperlink to a cobranded web site.

Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

Examiner's Note

Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Forward (US Patent Number 6,970,835), which discloses a system and method for directing and instructing customers to deal with specific merchants using incentives.

2) "Setting the Pace - Marketers Are Taking Motorsports in New and Different Directions; Attendance at NASCAR is Growing", November 1997, Promo, v X, n 12, p 20+, (p pgs).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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/F. A. N./
Examiner, Art Unit 3628

/FREDA A. NELSON/
Examiner, Art Unit 3628